

## **Exhibit - Phi**

*[U.S. ex. rel. Brookfield Const. Co. verses Stewart, 284 F. Supp. 94 (1964)]*

*"In addition, there are several well known subordinate principles. The Government may not be sued except by its consent. The United States has not submitted to suit for specific performance\*99 or for an injunction. This immunity may not be avoided by naming an officer of the Government as a defendant. **The officer may be sued only if he acts in excess of his statutory authority or in violation of the Constitution for then he ceases to represent the Government.**"*